

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



AMENDMENT NO. 1

(A Minor Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2014-083-04

KB Home South Bay, Inc.

Roberts Ranch, Hollister in San Benito County

INTRODUCTION

On October 30, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2014-083-04 (ITP) to Hollister Enterprise, LLC, authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Roberts Ranch, Hollister in San Benito County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the development of 54.9 acres of cultivated row crops into a residential development (214 residential lots) with associated infrastructure and landscaping. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

Following the issuance of the ITP, Hollister Enterprise, LLC, the current Permittee, has agreed to sell and transfer the properties described in the ITP to KB Home South Bay, Inc. In connection with such sale of the properties described in the ITP to the KB Home South Bay, Inc., Hollister Enterprise, LLC, desires to assign and transfer to KB Home South Bay, Inc., and KB Home South Bay, Inc. desires to accept and assume, certain rights and obligations under the ITP pursuant to its terms and conditions as the new Permittee.

In a letter dated March 10, 2020, in connection with the sale of the Roberts Ranch Residential Development Project to KB Home South Bay, Inc., Hollister Enterprise, LLC, requested a minor amendment to transfer the ITP from Hollister Enterprise, LLC, to KB Home South Bay, Inc..

This Minor Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

This Amendment makes changes to the Permittee, principal officer, contact person, and mailing address.

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

- 1. On page 1 in the ITP, the Permittee, principle officer, contact person, and mailing address shall be amended to read:

Permittee: ~~Hollister Enterprise, LLC~~ **KB Home South Bay, Inc.**
 Principal Officer: ~~Peter Hellmann, Manager~~ **Jeff McMullen**
 Contact Person: ~~Peter Hellmann, 510-612-2027~~ **Jeff McMullen**
(925) 983-4530
JMcMullen@KBHome.com

Mailing Address: ~~18 Crow Canyon Court, Suite 190~~
~~San Ramon, California 94583~~
5000 Executive Parkway, Suite 125
San Ramon, California 94583

- 2. On all pages, below in the footer, the Permittee shall be amended to read:

Incidental Take Permit
 No. 2081-2014-083-04
~~HOLLISTER ENTERPRISE, LLC~~ **KB HOME SOUTH BAY, INC.**
 ROBERTS RANCH

- 3. MMRP

On page 1 of the MMRP, the Permittee shall be amended as follows:

PERMITTEE: ~~Hollister Enterprise, LLC~~ **KB Home South Bay, Inc.**

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

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 Incidental Take Permit 2081-2014-083-04
 KB HOME SOUTH BAY, INC.
 Roberts Ranch, Hollister

Discussion: This Amendment makes one specific change to the ITP as originally issued. This Amendment changes the Permittee and its principle officer, contact person, and mailing address, to reflect the sale of the Project from Hollister Enterprise, LLC, to KB Home South Bay, Inc. This Amendment does not change any Conditions of Approval of the ITP.

CDFW has determined that a change to the Permittee, principal officer, contact person, and mailing address will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including a change to the Permittee, principle officer, contact person, and mailing address, will not increase impacts to the Covered Species.

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in October 2018, that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.

Discussion: CDFW issued the ITP in October 2018, as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the environmental impact report certified by the City of Hollister as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed

and disclosed by the City of Hollister during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

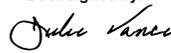
Discussion: This Amendment involves a change to the Permittee, principal officer, contact person, and mailing address. These changes to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until KB Home South Bay, Inc. as the new Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 5/18/2020

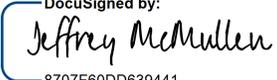
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Julie A. Vance
Regional Manager
Central Region

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KB HOME SOUTH BAY, INC.
Roberts Ranch, Hollister

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:  DocuSigned by:
8707F60DD639441... Date: 5/18/2020

Printed Name: Jeffrey McMullen Title: Senior Vice President

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